

Serial No.: 10/808,072
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REMARKS/ARGUMENTS

Subsequent to the Office Action issued on 04/10/2006, claims 3-10, 13-21, and 24-28 are pending in the Application. By this office action, claim 10 has been amended. Claims 3-10, 13-21, and 24-28 remain in consideration.

Claim Rejections – 35 U.S.C. § 103

Under the law, for a rejection based upon 35 U.S.C. §103(a) to prevail, the examiner must establish a *prima facie* case of obviousness, i.e. that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combine references; and that the proposed modification of the prior art had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ2d 494, 496 (CCPA 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 USPQ2d 1016, 1023 (Fed. Cir. 1996).

2. Claims 3, 5, 10, 24, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Yoshida* (USPN 5,699,056) in view of *Meek*, et al. (USPN 6,121,924)

Applicant respectfully traverses any rejection of claims 3, 5, 10, 24 and 28 as being unpatentable over *Yoshida* in view of *Meek*.

Claim 3 sets forth a method of reporting information from a vehicle to a vehicle data collection system, comprising, *inter alia*, storing information which defines a geographic region in a vehicle comprising a predetermined array of cells with each cell having a cell position. A plurality of cell parameters is associated with each cell, the cell parameters comprising a recording interval and a reporting interval. A vehicle position is determined relative to the geographic region, wherein if the vehicle is within the geographic region, the vehicle position is correlated to a vehicle cell. Vehicle data is recorded in accordance with the recording interval of the vehicle cell. The vehicle data is reported to a vehicle data collection system in accordance with the reporting interval. Information which defines a geographic region in a vehicle is stored, the geographic region comprising a predetermined array of cells. The information which defines the

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geographic region is updated.

Applicant respectfully traverses any rejection of claim 3 as being unpatentable over *Yoshida* in view of *Meek* because *Yoshida* neither teaches nor describes all the elements of the invention asserted in the Office Action. Specifically, *Yoshida* neither teaches nor discloses fails to teach or describe the recording interval and the reporting interval as described in the instant invention.

Yoshida teaches an information processor 10 which sends information from sensors and the car navigation system as is or after processing (See, Col. 11, Lines 1-7). This is described further with reference to Fig. 15 and Col. 14, Lines 15-34, wherein the information processor 10 adds a vehicle identification code to time data, position data, and vehicle speed data to edit a message for each predetermined time (for each relatively short time, by second or by minute) and transmits the message.

In contradistinction to *Yoshida*, claim 3 of the instant invention includes the cell parameters comprising a recording interval and a reporting interval. The recording interval and reporting interval are described with reference, e.g., to Para 0052 of the instant invention, wherein there is "a recording or measurement interval (t_m) and reporting interval (t_r). The recording interval is the time interval at which the vehicle data is recorded, as described herein. The reporting interval is the time interval at which the vehicle data is reported to system 100." As shown with reference to Table 1 the measurement ranges from 5 seconds to 20 seconds, and the reporting interval ranges from 1 minute to 99 minutes, depending upon the roadway time.

Therefore, applicant asserts that claim 3 is patentably distinguishable from *Yoshida* in that *Yoshida* fails to teach or describe the recording interval and the reporting interval.

Claim 5 is dependent upon allowable claim 3, with further limitation, and is therefore allowable over *Yoshida* in view of *Meek*.

Newly amended claim 10, which incorporates the subject matter of claim 3, sets forth a method of reporting information from a vehicle to a vehicle data collection system, comprising, *inter alia*, storing information which defines a geographic region in a vehicle comprising a predetermined array of cells with each cell having a cell position. A

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plurality of cell parameters is associated with each cell, the cell parameters comprising a recording interval and a reporting interval. A vehicle position is determined relative to the geographic region, wherein if the vehicle is within the geographic region, the vehicle position is correlated to a vehicle cell. Vehicle data is recorded in accordance with the recording interval of the vehicle cell. The vehicle data is reported to a vehicle data collection system in accordance with the reporting interval. Information which defines a geographic region in a vehicle is stored, the geographic region comprising a predetermined array of cells. The information which defines the geographic region is updated. The geographic region comprises a plurality of geographic regions and the method may be selectively enabled or disabled for each geographic region.

The Office Action stated with regard to claim 10 that *Yoshida* discusses the geographic region comprising a plurality of geographic regions, however fails to disclose being able to selectively enable or disable the method for each geographic region. It was stated that it would have been obvious to one having ordinary skill in the art at the time of the invention to just turn off repeaters in certain geographic areas where traffic data is not wanted in order to decide what information should be reported to the center.

Applicant respectfully traverses any rejection of newly amended claim 10 as being unpatentable over *Yoshida* in view of *Meek* because, as stated in the Office Action, the references fail to disclose being able to selectively enable or disable the method for each geographic region. Furthermore, the Office Action stated that it would have been obvious to one having ordinary skill in the art at the time of the invention to just turn off repeaters in certain geographic areas where traffic data is not wanted in order to decide what information should be reported to the center.

The teachings of the invention of claim 10, wherein the method may be selectively enabled or disabled for each geographic region, is developed based upon operation in geographic regions that are not active. As stated in Para. 0075 of the invention:

System 100 can be used to enable the method in the implemented or active geographic regions and disable method 300 geographic regions that are not active. As new geographic regions are implemented, vehicles in those cities may be selectively activated/deactivated by a simple wireless command. Preferably, as vehicles enter and leave a traffic reporting geographic region, they may be activated and deactivated, respectively[.]

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The concept of turning off [land-based] repeaters is inconsistent with the teachings of the instant invention as described hereinabove, because turning off [land-based] repeaters in certain geographic areas as described above neither teaches nor describes selectively enabling or disabling a vehicle based upon geographic considerations. Therefore, applicant respectfully argues that the teaching, suggestion, or motivation in the applied prior art taken as a whole coupled with knowledge generally available to one of ordinary skill in this art as stated above, would NOT have led that person to the invention described in newly amended claim 10. Therefore, newly amended claim 10 is patentably distinguishable over *Yoshida* in view of *Meek*, and thus allowable.

Applicant respectfully argues that claim 24 is patentably distinguishable over *Yoshida* in view of *Meek* for the same reasons as set forth with regard to claim 3, and is therefore allowable.

Claim 28 is dependent upon allowable claim 24, with further limitation, and is therefore allowable over *Yoshida* in view of *Meek*.

3. Claims 4, 8, 9, 26, and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Meek* as applied to claims 3 and 24, and further in view of *Fastenrath* (USPN 6,061,625).

Claims 4, 8, and 9 are dependent upon allowable claim 3, with further limitation, and are therefore allowable over *Meek* in view of *Fastenrath*.

Claims 26 and 27 are dependent upon allowable claim 24, with further limitation, and are therefore allowable over *Meek* in view of *Fastenrath*.

4. Claims 6, 7, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Meek* as applied to claims 3 and 24, and further in view of *Froeberg* (USPN 6,233,517).

Claims 6 and 7 are dependent upon allowable claim 3, with further limitation, and are therefore allowable over *Meek* in view of *Froeberg*.

Claim 25 is dependent upon allowable claim 24, with further limitation, and therefore allowable over *Meek* in view of *Froeberg*.

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5. Claims 13, 14, 15, 17, 18, and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Yoshida* in view of *Meek* and further in view of *Froeberg*.

Applicant respectfully traverses any rejection of Claim 15 as being unpatentable over *Yoshida* in view of *Meek* and further in view of *Froeberg* because the cited references, either alone or in combination, fail to teach or describe associating a plurality of cell parameters with each cell, the cell parameters comprising a recording priority ($T_{(X,Y)}$), reporting interval (t_r) and measurement interval (t_m), as has been previously argued with reference to claim 3.

Applicant respectfully traverses any rejection of claim 13, dependent from allowable claim 15, in view of *Yoshida*. It was stated that *Yoshida* fails to disclose converting the vehicle position to a vehicle cell, wherein converting the vehicle position to a vehicle cell (X, Y) in relation to the array of cells is performed according to the following relationship: $X = (Lon_X - Lon_0)/C_{LON}$; and, $Y = (Lat_Y - Lat_0)/C_{LAT}$. The Office Action stated that it would have been obvious to one having ordinary skill in the art at the time of the invention to “use these simple equations” to create a vehicle cell in order to easily be able to identify where in the geographic region a vehicle is located.

As previously argued with reference to claim 15, above, *Yoshida* neither teaches nor describes cells and cell parameters comprising a recording interval and a reporting interval, as described in claim 15 of the instant invention. Therefore claim 13, which is dependent upon allowable claim 15, with further limitation, is allowable over the cited art. Furthermore, and in contrast to the instant invention, *Yoshida* teaches vehicle position information obtained from the car navigation system (*See, e.g.*, Col. 17, Lines 19-20), without converting vehicle position to a vehicle cell. It would be changing the principle of operation of *Yoshida* to convert vehicle position to a vehicle cell as described in claim 13 of the instant invention, which is expressly forbidden under 35 U.S.C. §103. (*See, e.g., In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)). Therefore, applicant respectfully asserts claim 13 is not obvious to one having ordinary skill in the art, in that the prior art provides no suggestion or incentive to make the modification proposed by the Office Action, because to do so would change the principle of operation of the prior art. Therefore, claim 13 is patentably distinguishable over *Yoshida* in view of *Meek* and further in view of *Froeberg*, and thus allowable.

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Claims 17, 18, and 21 are dependent upon allowable claim 15, with further limitations, and are therefore allowable over *Yoshida* in view of *Meek* and further in view of *Froeberg*.

6. Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Meek* and *Froeberg* as applied to claim 15, and further in view of *Fastenrath*.

Claim 16 is dependent upon allowable claim 15, with further limitation, and therefore allowable over the cited art.

7. Claims 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yoshida* in view of *Froeberg* and *Fastenrath*.

Claim 19 is allowable over the cited prior art for the same reasons as described with reference to Claim 3.

Claim 20 is dependent upon allowable claim 19, with further limitation, and is therefore allowable.

Conclusion

Based on the above, it is respectfully submitted that Claims 3-10, 13-21, and 24-28 are in condition for allowance and the Applicant requests that same be allowed to proceed to issue. If the Examiner has any questions regarding the contents of the present response, Applicant's attorney may be reached at the phone number appearing below.

Respectfully submitted,



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